

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RAJESH DHARIA,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No. 24-5915 (SDW) (LDW)

WHEREAS OPINION

October 30, 2024

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Rajesh Dharia’s (“Plaintiff”) First Amended Complaint (D.E. 16 (“FAC”)) filed on October 17, 2024 and this Court having *sua sponte* reviewed the Complaint for sufficiency pursuant to Federal Rules of Civil Procedure (“Rule”) 12(h)(3); and

WHEREAS Plaintiff filed the original complaint in this matter on May 7, 2024 (D.E. 1), seemingly alleging that the United States, the Federal Bureau of Investigation, and several American politicians—including, former President George W. Bush, former Vice President Dick Cheney, and former Secretary of Defense Robert Gates—were involved in a bombing in Mumbai, India on July 11, 2006; and

WHEREAS this Court previously ruled that Plaintiff does not have standing to pursue this action, and even if he did, the action raises a nonjusticiable political question (D.E. 10–11); and

WHEREAS the FAC contains substantially the same allegations as the original complaint, now stylized as claims for intentional and negligent infliction of emotional distress against the United States and various agencies; and

WHEREAS this Court is mindful that a *pro se* complaint is to be “liberally construed” and that courts must permit a curative amendment unless any future amendment would be “inequitable or futile.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976); *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002). “The label ‘with prejudice’ attached to the dismissal of a claim signifies that the dismissal is an adjudication of the merits and hence a bar to further litigation of the claim.” *Korvettes, Inc. v. Brous*, 617 F.2d 1021, 1024 (3d Cir. 1980). Here, any future amendment would be futile as there are no set of facts regarding this terrorist attack from nearly 20 years ago that Plaintiff can allege which would turn this nonjusticiable matter into a justiciable one; therefore

The FAC is *sua sponte* **DISMISSED WITH PREJUDICE**. An appropriate order follows.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.